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CLEARINGHOUSE RULE 97-052

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. The rule rennumbers ch. CU 70 as ch. DFI-CU 70. The treatment clause of SECTION 1 of the rule should reflect this renumbering and the analysis accompanying the rule should reflect that fact as well. SECTION 1 need not, however, reflect that the chapter is being amended. The individual amendments to the various sections of the chapter should be identified in separate SECTIONS of the rule. For example, the amendment to s. DFI-CU 70.04 (intro.) should be located in a SECTION of the rule, the treatment clause of which should read: “DFI-CU 70.04 (intro.) is amended to read:”.

Finally, throughout the rule, provisions of the current rule are shown even though they are not being amended. For example, in s. DFI-CU 70.03, subs. (1), (3) and (5) are not amended. Therefore, they do not need to appear in the rule. Thus, the treatment clause for the modifications that are made in the section would read: “DFI-CU 70.03 (2), (4) and (6) are amended to read:”. The entire rule should be reviewed for correct drafting style.

b. Because only the Note to s. DFI-CU 70.02 is being amended, there is no need to include the substantive provisions of that section. However, in the amendment to the Note, the existing period should be retained and the new material added after “1985” but before the period. [s. 1.06 (4), Manual.] The portion of this comment relating to the treatment of periods also applies to the amendment in s. DFI-CU 70.03 (6).

c. Because substantial changes are being made to ss. DFI-CU 70.04 (2) and 70.05 (4), those subsections should simply be repealed and recreated as they are intended to read. In

addition, in s. DFI-CU 70.04 (2), “(s)” should not be added to the word “official” to make it plural. Rather, simply use the singular form. [s. 1.01 (6), Manual.]

d. In ss. DFI-CU 70.05 (intro.) and 70.06 (intro.), the phrase “do all of the following” should be inserted after the word “shall” and before the colon. All of the subsections that follow should end with a period.

e. The language added to s. DFI-CU 70.06 (1) appears to be a substantive requirement of originating lenders and, as such, should be included in a separate subsection.

f. The rule should include an appropriate effective date clause. [s. 1.02 (4), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

In s. DFI-CU 70.02, “this chapter is” should replace “these rules are.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Throughout the rule, the terms “federally chartered” and “federal insured” are hyphenated. Under the rules of grammar, an adverb ending in “ly” is not jointed by a hyphen to the adjective that it qualifies. Thus, the current rule, which does not hyphenate these terms, is correct.

b. In s. DFI-CU 70.03 (2), the term “director” is used. Is this term defined somewhere for purposes of ch. DFI-CU 70?

c. In s. DFI-CU 70.03 (6), the term “where” should be changed to “in which.”